

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

PRELIMINARY ORDER OF FORFEITURE OF SUBSTITUTE ASSETS

THIS MATTER comes before the Court on the United States' Motion for Forfeiture of Substitute Assets (Dkt. 263) pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(p). In consideration of the motion, the memorandum in support thereof, and the entire record in this matter, the Court finds as follows:

On February 14, 2013, this Court entered a Preliminary Order of Forfeiture, ordering Defendant Rita A. Crundwell to forfeit \$53,740,394 to the United States in the form of a money judgment. (Dkt. 70). The Court also ordered the forfeiture of substitute property under 21 U.S.C. § 853(p), to be applied in partial satisfaction of the money judgment, finding that “by an act or omission on the part of defendant RITA A. CRUNDWELL, funds in the amount of \$53,740,394 cannot be located to satisfy the forfeiture judgment.” The Court subsequently entered a Final Order of Forfeiture on May, 16, 2013, (Dkt. 142), and an Amended Final Order of Forfeiture on June 6, 2013 (Dkt. 148).

Based on further investigation by the United States Marshals Service following sentencing, the United States has discovered the following additional assets belonging to the defendant:

1. Defendant's interest in the American Quarter Horse Association ("AQHA") Incentive Fund, with dividends accruing annually, as Nominator ID 0636954 for both foals and stallions for show years 2014 and forward.

2. Defendant's interest in the American Paint Horse Association ("APHA") Breeders' Trust, with dividends accruing annually, as ID 8238201 for both foals and stallions for show years 2014 and forward.
3. Defendant's interest in the National Snaffle Bit Association ("NSBA") Stallion Incentive Fund and Breeders Championship Futurity, with dividends accruing annually, as Nominator ID 633 for both foals and stallions for show years 2012 and forward.

The Court finds that, pursuant to the provisions of 21 U.S.C. § 853(p) and Fed. R. Crim. 32.2(e)(1)(B), the United States is entitled to the forfeiture of substitute assets, including the above-referenced property, in partial satisfaction of the defendant's outstanding money judgment.

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. All of the defendant's right, title, and interest in the above-listed property is hereby forfeited to the United States, to be disposed of according to law.
2. Upon the entry of this Order the Attorney General or his designee is authorized to seize the above-listed property, whether held by the defendant or by a third party, and to take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third-party proceedings which may be conducted in this matter.
3. The United States shall promptly after the seizure of said property, initiate proceedings necessary to protect any third-party interests in the substitute property, pursuant to and in accordance with Fed. R. Crim. P. 32.2(e) and 21 U.S.C. § 853(n), prior to requesting entry of a final order of forfeiture with respect to the property.
4. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then, pursuant to 21 U.S.C. § 853(n)(7), this Order shall be deemed a

final order of forfeiture and the United States Marshals Service, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

5. The Court shall retain jurisdiction to enforce this Order and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e), and to address any third-party claims that may be asserted in these proceedings.

DONE and **ORDERED** in Rockford, Illinois, this 5th day of October, 2015.



PHILIP G. REINHARD
UNITED STATES DISTRICT JUDGE